

### **REMARKS**

Claims 1-5 are currently pending. Claims 1-5 are believed to be in condition for allowance and such favorable action is respectfully requested.

Claims 1-4 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,405,188 to Hanson (hereinafter "Hanson.")

Claim 1 recites a back bracket with "a U-shaped member having a central section and a pair of ends, each end having a pivot point extending therethrough, wherein the U-shaped member is adapted to pivot only about the pivot points; and a guide plate coupled to the central section, the guide plate having a mounting section adapted to be mounted to a chair and having a wall with at least one guide slot." The Hanson patent neither teaches nor suggests all of the above limitations. Specifically, Hanson does not disclose a back bracket comprising a U-shaped member having a central section and a guide plate coupled to the central section, the guide plate having a mounting section with a wall having at least one guide slot. In contrast, Hanson discloses a chair back 20 that attaches to a pair of arms not a back bracket. The chair back 30 is coupled to the chair by a pair of links 38. The examiner states that "a guide plate or link 38 is coupled to the central section and has a mounting section at the lower end 56 to be mounted to a chair. The guide plate also has a pair of guide slots, one at the upper end 56 to be mounted to a chair." However, the specification of Hanson states that "[t]he links 38 each are pivotally connected at one end 52 by a pin 54 to the lower end of chair back 20. The links 38 are thus movable with the back 20. The other end 56 of each link 38 is connected by a pivot pin 37 to an arm 36 of the yoke 34. Corresponding arms 58 are fixed to and project from respective circular plates 60. These arms 58 are each pivotally mounted at one end on a pivot pin 37." It is our

contention that Hanson does not disclose a guide plate coupled to the central section having a wall with at least one guide slot. In contrast, Hanson discloses a link that couples the chair to the chair back. A pair of pins couple the link to the chair back and chair arm. The specification does not state how the pins are coupled with the link. Nevertheless, Hanson does not disclose a guide plate having a wall with a guide slot. At best it discloses a link with a pair of holes at each end. Thus, Hanson does not disclose a guide plate having a wall with at least one guide slot as recited in claim 1.

As the Examiner is well aware, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Accordingly, Hanson does not include the limitation of a guide plate having a wall with at least one guide slot and, thus, does not include all of the limitations contained in claim 1.

Further, the above recitation requires the guide plate to be coupled to the central section. Hanson also does not disclose this limitation. Specifically, the links are not coupled to a central section. As seen in FIGS. 2 and 3 the links are couple to the chair back 20 proximate the side portion of the chair, not to a central section as required by claim 1. Thus, Hanson does not disclose a guide plate that is coupled to the central section of the U-shaped member. At best Hanson discloses a pair of links that are coupled to the chair back near the sides. Accordingly, Hanson does not include the limitation of a guide plate that is coupled to the central section and, thus, does not include all of the limitations contained in claim 1.

Therefore, for at least the reasons stated above, claim 1 is believed to be in condition for allowance and it is respectfully requested that the rejection of the claim be withdrawn. As claims 4-5 depend from independent claim 1, these claims are also believed to be in condition for allowance and such favorable action is respectfully requested.

Claims 1-5 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,523,898 to Ball et al., (hereinafter "Ball.")

Claim 1 requires "a guide plate coupled to the central section, the guide plate having a mounting section adapted to be mounted to a chair and having a wall with at least one guide slot." Ball does not include this limitation. The Examiner states that "Ball further teaches of a guide plate 113 coupled to the central section. The guide plate has a mounting section that is adapted to be mounted to a chair having a pair of guide slots for fitting a pair of rods." As seen in FIG. 43 and as stated in the specification "[t]he backrest frame 58 (FIGS. 41-44) includes a tubular frame member 111 (FIGS. 1 and 43), and further includes a rod extension assembly 112. The rod extension assembly 112 includes a knuckle 113 fixed to a center of the tubular frame member 111, a pair of rods 114 that extend upwardly from knuckle 113, and a top bracket 115 that engages a top of the rods 114." As seen in FIGS. 42 and 43, the knuckle 113 is an attachment means for a pair of rods 114 that engage the top bracket 115. Although it is not stated in the specification, it appears from the figures that the knuckle 113 contains a pair of hollow cylindrical mounting sections that receive the rods 114 which extend upwardly from the knuckle 113. However, Ball does not disclose a guide plate having a wall with at least one guide slot. In contrast, Ball discloses a hollow cylindrical mounting section that receives the rods.

Thus, Ball does not include the limitation of a guide plate having a wall with at least one guide slot and, thus, does not include all of the limitations contained in claim 1.

Therefore, for at least the reasons stated above, claim 1 is believed to be in condition for allowance and it is respectfully requested that the rejection of the claim be withdrawn. As claims 4-5 depend from independent claim 1, these claims are also believed to be in condition for allowance and such favorable action is respectfully requested.

Claims 1-4 have been rejected under 35 U.S.C. 103(a) as being obvious in view of Engel (De 3,834,614) and in view of U.S. Patent No. 5,810,440 to Unwalla.

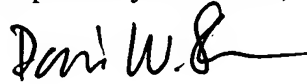
The Examiner stated that Engel discloses a “U-shaped member 5 having a central section and a pair of ends. Each end has a pivot point 6 extending there through, wherein the U-shaped member is adapted to pivot about the pivot point.” However, claim 1 has been amended to read “wherein the U-shaped member is adapted to pivot only about the pivot points.” As seen in FIG. 1 of Engel, the member 5 pivots about pivot point 6, but also pivots about pivot point 8. In other words, Engel discloses a member that pivots about two sets pivot points. In contrast, claim 1 requires the U-shaped member pivot only about the pivot points located in the ends of the U-shaped member. Thus, Engel does not disclose a U-shaped member with a pivot point in each end where the U-shaped member is adapted to pivot only about the pivot points in each end.

Accordingly, Engel does not include the limitation of a U-shaped member with a pivot point in each end where the U-shaped member is adapted to pivot only about the pivot point. Thus, neither Engel nor Unwalla, either singly or in combination, disclose all of the limitations contained in claim 1.

Therefore, for at least the reasons stated above, claim 1 is believed to be in condition for allowance and it is respectfully requested that the rejection of the claim be withdrawn. As claims 4-5 depend from independent claim 1, these claims are also believed to be in condition for allowance and such favorable action is respectfully requested.

Therefore, claims 1-5 are currently pending and believed to be in condition for allowance, and such favorable action is respectfully requested. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned by telephone prior to issuing a subsequent action.

Respectfully submitted,



David Wade Schnell  
Reg. No. 53,563

DWS/nlm

SHOOK, HARDY & BACON L.L.P.  
2555 Grand Boulevard  
Kansas City, Missouri 64108-2613  
Tele: 816.474.6550  
Fax: 816.421.5547

Attorney Docket No. LGPL.111051